

IN THE SUPREME COURT OF  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A. NO. 3864 OF 2018  
IN  
CIVIL APPEAL NO(s) 13301 of 2015

IN THE MATTER OF:

Subrata Bhattacharya

...Appellant

Versus

Securities and Exchange Board of India

...Respondent

IN THE MATTER OF:

Pinnacle Self Supporting

~~Co-operative Welfare House building Society Ltd.~~

Through its President

Having Registered Office at GH-3, Sector 104, Pearl

City, Mohali, Punjab

...Applicant

I.A. NO. \_\_\_\_\_ OF 2018

AN APPLICATION FOR DIRECTION

PAPER BOOK

ADVOCATE FOR THE APPLICANT

AMIT KUMAR

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Having Registered Office at GH-3, Sector 104, Pearl

City, Mohali, Punjab

...Applicant

**AN APPLICATION FOR DIRECTION**

To

The Hon'ble Chief Justice of India

And His Companion Judges of the

Hon'ble Supreme Court of India.

The application of the applicants above named:

**MOST RESPECTFULLY SHOWETH:-**

1. That the instant application is being filed by the applicant society seeking urgent directions in relation to the Company PACL Ltd, the disposal of whose properties, is being carried out by the Committee chaired by Hon'ble Mr. Justice

R.M.Lodha, Former Chief Justice of India, which has been constituted under the directions of this Hon'ble Court vide order dated 2<sup>nd</sup> February 2016 passed in above Civil Appeal.

2. That it is submitted that this Hon'ble Court vide its order dated 02.02.2016, by way of interim directions, directed the constitution of the Committee for disposing off the land purchased by the Company, PACL Ltd so that sale proceeds could be paid to the investors who had invested their funds in the Company. A copy of order dated 02.02.2016 passed by this Hon'ble Court in Civil Appeal No. 13304 of 2015 is annexed herewith and marked as **ANNEXURE A/1** [Page \_\_\_\_\_ to \_\_\_\_\_]
3. That it is submitted that in the backdrop of the abovesaid facts and circumstances, the applicant society purchased the land measuring 5 acres point of the i.e. Group Housing Site No.3, Sector, 104, Pearl City, Mohali vide Memorandum of Understanding dated 13.08.2011. Thereafter, in pursuance to the said memorandum of understanding, the allotment letter dated 27.03.2012 was issued.
4. That it is further submitted that after the purchase and allotment of the abovesaid site, the applicant society paid an amount of Rs.15.10 crore towards the part of the sale consideration of the said site from time to time and also spent the amount of Rs.97,49,470/- for taking the statutory approvals so as to start construction over the allotted site.

5. That all the abovesaid efforts of the applicant society had been in vain as physical possession of the allotted site was at variance with the layout plan of the allotted site as approved by the Greater Mohali Area Development Authority, S.A.S. Nagar. Even, land owners of abutting land disputed the demarcation of the allotted site. Resultantly, complete boundary was sought to be constructed.
6. That in view of the above, a contract for construction of the boundary wall was given to the contractor. The engaged contractor had started the construction of the boundary wall and could not complete the same as the owner of the land abutting the allotted site did not allow the construction of the boundary wall. Thus, the construction of the boundary wall was stalled. Thus, the possession of the site was not given by the company to the society as per the approved site plan.
7. That the aforesaid problem had been notified to PACL Ltd. from time to time which had also been acknowledged by PACL Ltd. while extending the term of the MOU dated 13.08.2017 and assured to resolve the same with the help of local revenue authorities vide letter dated 18.12.2015.
8. That due to passing of order dated 02.02.2016 PACL Ltd. had not been functioning and reins of the said company had been taken over by the committee consisting of officials of Securities and Exchange Board of India headed by Hon'ble Mr. Justice Mr. R.M. Lohda, (Retired Chief Justice of India).

Faced with the situation, the applicant society represented to the said esteemed committee, however when no response was received from the said committee even, after submitting reminders, the applicant society approached this Hon'ble Court by way of Interim Application No.65030 of 2017 in Civil Appeal No.13301 of 2015.

9. That it is submitted that vide order dated 15.11.2017, this Hon'ble Court was pleased to refer the applicant society to Sh. R.S. Virk, District and Sessions Judge (Retd.) whose name was proposed by Securities and Exchange Board of India for the redressal of the grievances of the affected persons like applicant society. A copy of order dated 15.11.2017 passed by this Hon'ble Court in I.A No. 65030 of 2017 in Civil Appeal No. 13301 of 2015 is annexed herewith and marked as **ANNEXURE A/2 [Page \_\_\_\_\_ to \_\_\_\_\_]**

10. That pursuant to the direction of this Hon'ble Court vide order dated 15.11.2017, the applicant society received the notice for appearance on 03.01.2018 before the Ld. District Judge appointed by this Hon'ble Court to hear the objections of the applicant society. Accordingly, the applicant society put in appearance and filed the representations dated 02.01.2018 and 22.01.2018 before the Ld. Judge.

11. That thereafter, the Hon'ble Judge fixed the hearing of the representations in relation to the applicant society on 14.03.2018.

12. That as it has since transpired, the Hon'ble Judge vide order dated 14.03.2018 has rejected the representations of the applicant society by placing reliance upon the order dated 02.02.2016 passed by this Hon'ble Court in the accompanying Civil Appeal and returning the erroneous finding that the Hon'ble judge did not have the mandate to decide the representations of the applicant society and grant relief as prayed for. That it is submitted that the order dated 02.02.2016 passed by this Hon'ble Court envisaged the addressing of all issues pertaining to repayment of amounts to investors who had invested in the company for purchase of land. That therefore, it is respectfully submitted that the non-consideration of the representations of the applicant society on the above stated premise is incorrect and merits reconsideration. A copy of order dated 14.03.2018 passed by the Hon'ble District Judge appointed to hear objections in the matter of PACL Ltd. is annexed herewith and marked as **ANNEXURE A/3 [Page \_\_\_\_\_ to \_\_\_\_\_]**

13. That it is respectfully submitted that the Ld. Judge erred in not appreciating the fact that the order dated 02.02.2016 was passed with the main object of disposing of the land owned by PACL Ltd. so that sale proceeds therefrom can be paid to the investors who had invested their funds in the company. Furthermore, this Hon'ble Court vide its order dated 15.11.2017 directed the Ld. Judge to hear all the grievances of

the applicants including the present applicant and take a view in respect of all such matters.

14. That in view of the fact that this Hon'ble Court vide its order dated 15.11.2017 had specifically directed the Ld. Judge to consider the claims of the applicant society, the order of rejection of the claims of the applicant is without merit. That the Ld. Judge ought to have considered that this Hon'ble Court through its orders had specifically bestowed competence and jurisdiction to the Ld. Judge to consider the claims of the applicant society and decide the representations submitted by the applicant society.
15. That despite the above, the Ld. Judge has erred in restricting the scope of the proceedings vis-à-vis sale of the properties and not for redressal of grievances.
16. That it is submitted that 141 members of the applicant society who have been looking for their respective flats in near future and on account of the problem plaguing the company and failure of the company to do the needful in terms of MOU and subsequent letter of the company dated 18.12.2015 started approaching Consumer Fora and other judicial and quasi judicial forum against the applicant society and its executive members. Thus, in absence of resolution of the issues raised by the applicant society, the same has been unable to proceed further in the matter and consequently, above said problems have been multiplying day by day.



17. That for the reasons stated hereinabove, it is apparent that the applicant society has been suffering financially as well as otherwise for none of its fault.
18. That it is pertinent to mention that the Ld. District Judge has been appointed for a fixed term of 4 months vide order dated 15.11.2017 and the said term stands to expire with effect from 5th April, 2018.
19. That in view of the above, the applicant society has no other alternative than to approach this Hon'ble Court seeking appropriate directions for the consideration of the representations of the applicant society.
20. In view of the above facts and circumstances of the case, this Hon'ble Court, this Hon'ble Court may graciously be pleased to:
- A. Direct the Shri. R.S. Virk, District and Sessions Judge (Retired), to consider representations dated 02.01.2018 and 22.02.2018 filed by the applicant-society and pass reasoned orders;
- B. Pass such further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Filed and Drawn By

Filed On: 16/3/2018

**[AMIT KUMAR]**

NEW DELHI

ADVOCATE FOR THE APPLICANT

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A. NO. OF 2018  
IN  
CIVIL APPEAL NO(s) 13301 of 2015

8

**IN THE MATTER OF:**

Subrata  
Bhattacharya

...Appellant

Versus

Securities and Exchange Board of India

...Respondent

**IN THE MATTER OF:**

Pinnacle Self Supporting  
Co-operative Welfare House building Society Ltd.  
Applicant

**AFFIDAVIT**

I, DK Singal, aged about 47 years, Son of Shri OP Singal, R/o House No. 109, Sector 16, Panchkula, Haryana, presently at New Delhi, the Authorized signatory of the applicants herein do hereby solemnly affirm and declare as under:-

1. That I am the Authorized signatory of the applicant society in the above application and am well conversant with the facts and circumstances and records of this case and am competent and duly authorized to swear this affidavit.
2. That I have read and understood the contents of the interlocutory application and I state that the contents thereof are true and correct to the best of my knowledge and belief.
3. That the annexures are true copies of their respective originals and form parts of the record.
4. That no part of this affidavit is false and nothing material has been concealed there from.

DEPONENT

**VERIFICATION:**

I, the deponent above named do hereby verify that contents of the above affidavit are true to the best of my knowledge and belief and based on the record, no part of it is false and nothing material has been canceled therefrom.

Verified at New Delhi on this \_\_\_ day of March, 2018

DEPONENT

ITEM NO.1

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

9

Civil Appeal No(s) .13301/2015

SUBRATA BHATTACHARYA

Appellant(s)

VERSUS

SECURITIES & EXCHANGE BOARD OF INDIA

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment, permission to file additional documents and stay and office report)

WITH

C.A.No.13319/2015

(With appln.(s) for permission to file additional documents, for exemption from filing c/c of the impugned judgment and ex-parte stay and Office Report)

C.A.No.13394/2015

(With appln.(s) for ex-parte stay, impleadment, intervention, stay and for permission to file additional documents and Office Report)

C.A.No.13410/2015

(With appln.(s) for ex-parte stay and for exemption from filing c/c of the impugned judgment and Office Report)

W.P.(C)No.500/2015

(With appln.(s) for directions and Office Report)

T.C.(C)No.134/2015

T.P.(C)No.45/2016

(With appln.(s) for stay and Office Report)

T.P.(Crl.)No...../2016 (D.No.388/2016)

(With appln.(s) for ex-parte stay and permission to file T.P. and Office Report)

T.P.(Crl.)No...../2016 (D.No.398/2016)

(With appln.(s) for permission to file T.P. and stay and Office Report)

(C)No.46/2016

(With appln.(s) for stay and Office Report)

Date : 02/02/2016 These matters were called on for hearing today.

Signature Not Verified  
Digitally signed by  
Date: 2016.02.02  
16:42:52 IST  
Reason:

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Anil B. Divan, Sr. Adv.  
Mr. Amit Pawan, Adv.  
Mr. Abhishek Amritanshu, Adv.  
Mr. Suryodaya Prakash Tiwari, Adv.

In C.A. 13394/15 Mr. Kapil Sibal, Sr, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Samir Rohatgi, Adv.  
Ms. Radhika Gautam, Adv.  
Mr. Paras Anand, Adv.  
For Mr. E.C. Agrawala, Adv.

In C.A. 13140/15 Mr. C.A. Sundram, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Samir Rohatgi, Adv.  
Ms. Radhika Gautam, Adv.  
Mr. Paras Anand, Adv.  
For Mr. E.C. Agrawala, Adv.

In T.C. (C) Dr. A.M. Singhvi, Sr. Adv.  
No.134/15 Mr. Mahesh Agarwal, Adv.  
Mr. Samir Rohatgi, Adv.  
Ms. Radhika Gautam, Adv.  
Mr. Paras Anand, Adv.  
For Mr. E.C. Agrawala, Adv.

Mr. P.B. Suresh, Sr. Adv.  
Mr. C.P. Chandrasekharan, Adv.  
Mr. Vipin Nair, Adv.  
Mr. Vinod Nair, Adv.  
Mr. Rahul Srivastava, Adv.  
For M/s. Temple Law Firm, Adv.

For Respondent(s) Mr. Arvind P. Datar, Sr. Adv.  
SEBI Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Mr. Purushottam K. Jha, Adv.  
Ms. Niharika, Adv.  
For M/s. K.J. John & Co., Adv.  
  
Mr. Shashank Bajaj, Adv.  
Mr. Shakun S. Shukla, Adv.  
Mr. Prakash Kumar Singh, Adv.

Mr. Laxmi Narayan, Sr. Adv.  
Mr. Sarabjot Singh, Adv.  
Mr. Alex Joseph, Adv.  
For M/s. B.J. Law Offices, Adv.

Mr. Prashant Bhushan, Adv.  
Mr. Omanakuttan K.K., Adv.

Mr. Rajiv Ranjan Dwivedi, Adv.

Caveator/Customer Assn. Mr. Amrit Pal Singh Gambhir, Adv.  
Mr. Shantanu Kumar, Adv.

Investors Mr. Avadh Kaushik, Adv.  
Ms. Deepika Raghav, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

C.A.Nos.13301, 13319, 13394 & 13410 of 2015, WP(C)  
No.500/2015, T.C.(C)No.134/2015 :

1. Heard Mr. C.A. Sundaram, learned senior counsel appearing for the appellant-Company, Mr. Anil B. Divan, learned senior counsel appearing on behalf of the Director of the Company and Mr. Arvind P. Datar, learned senior counsel appearing on behalf of Securities & Exchange Board of India (SEBI), on caveat.

2. Upon hearing the learned counsel and looking at the peculiar facts of the case, in the interest of the investors, we think it proper to pass this order with regard to interim arrangement, without going into the legality of the impugned judgment and without prejudice to the submission which might be made by the counsel at the time of further hearing of these matters and we direct that the appellant-Company shall not collect any

further amount from any of the investors.

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3. The SEBI shall constitute a Committee for disposing of the land purchased by the Company so that the sale proceeds can be paid to the investors, who have invested their funds in the Company for purchase of the land. Hon'ble Mr. Justice R.M. Lodha, the former Chief Justice of India, would be the Chairman of the said Committee. It would be open to the Hon'ble Chairman of the Committee to appoint such experts or other persons, as he might think it necessary, in consultation with the SEBI, so as to enable the Committee to sell the land and pay to the investors in a manner that might be decided by the said Committee.

4. A Nodal Officer shall be appointed, who shall be in-charge of the funds so collected and shall have a liaison with the Committee and shall also work as a Secretary to the said Committee.

5. The Committee shall collect relevant record, including Title Deeds from the Central Bureau of Investigation (CBI), if the CBI is in possession of any of the documents. Copies of the Title Deeds shall also be given to the Company so that the Company can also assist the Committee in the process of sale of the land.

6. The CBI is directed to hand over the documents, after retaining their copies, which might be required by the SEBI, so as to enable the Committee to sell the land.

The CBI will be entitled to use the photocopies of the Title Deeds, which will be handed over to it for Court proceedings.

7. The methodology with regard to recovery of amount by sale of the land and disbursement of the amount to the investors shall be overseen by the Members of the Committee.

8. Remuneration to be paid to the Chairman shall be determined by the Hon'ble Chairman himself after considering the quantum of work to be done by the Committee.

9. The work with regard to disposal of the land and disbursement of the proceeds to the investors be completed as soon as possible and preferably within six months from today.

10. The Registry is directed to forward copies of this order to Hon'ble Mr. Justice R.M. Lodha, the SEBI and the CBI. The Company and its Directors shall extend their cooperation to the Committee so that the Committee can function effectively to complete the work as soon as possible.

11. It would be open to the Hon'ble Chairman to make modification in the afore-stated arrangement and he is empowered to do whatever he thinks proper for disposal of the land and disbursement of the proceeds to the investors.

12. The amount, which is lying in the bank accounts of the Company and other cash belonging to the Company shall be released in favour of SEBI so that it can be used either for disbursement in favour of the investors or for incurring necessary expenditure. If any amount has been deposited by the Company or by its Directors or by any other person on behalf of the Company in any Court, the same shall be released in favour of the SEBI, who shall have a separate account so as to deal with the same. The Committee shall also decide as to whether the staff of the Company should be continued or relieved.

13. The decision with regard to sale of property of the Company by the Committee shall not be interfered with by any Court.

14. List the matters on 2<sup>nd</sup> August, 2016 as Part-heard, so as to know the progress.

T.P. (C) Nos. 45/2016 :

Heard the learned counsel.

The transfer petition is allowed. Writ Petition (C) No. 12342/2015 titled as Gurmeet Singh Vs. Securities and Exchange Board of India is directed to be transferred from the High Court of Delhi at New Delhi to this Court and shall be heard along with Civil Appeal No. 13301/2015 and other connected matters on 2<sup>nd</sup> August, 2016.



T.P. (C) Nos.46/2016 :

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Heard the learned counsel.

The transfer petition is allowed. Writ Petition (C)No.12341/2015 titled as Subrata Bhattacharva Vs. Securities and Exchange Board of India is directed to be transferred from the High Court of Delhi at New Delhi to this Court and shall be heard along with Civil Appeal No.13301/2015 and other connected matters on 2<sup>nd</sup> August, 2016.

TP(Crl.)No...../2016 (D.No.388/2016) :

Permission to file transfer petition is granted.

Heard the learned counsel.

The transfer petition is allowed. Writ Petition (Crl.)No.1078/2014 titled as Gurmeet Singh Vs. C.B.I. is directed to be transferred from the High Court of Delhi at New Delhi to this Court and shall be heard along with Civil Appeal No.13301/2015 and other connected matters on 2<sup>nd</sup> August, 2016.

TP(Crl.)Nos...../2016 (D.No.398/2016) :

Permission to file transfer petitions is granted.

Heard the learned counsel.

The transfer petitions are allowed. Writ Petition (Crl.)Nos.705 and 1076 of 2014, both titled as FACL Ltd.

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Vs. C.B.I. are directed to be transferred from the High Court of Delhi at New Delhi to this Court and shall be heard along with Civil Appeal No.13301/2015 and other connected matters on 2<sup>nd</sup> August, 2016.

(Sarita Purohit)  
Court Master

(Sneh Bala Mehra)  
Assistant Registrar

ITEM NO.6

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

17

Civil Appeal No. 13301/2015

SUBRATA BHATTACHARYA

Appellant(s)

VERSUS

SECURITIES AND EXCHANGE BOARD OF INDIA

Respondent(s)

(With appln(s) for appropriate orders/directions, permission to file application for direction, for exemption from filing c/c of the impugned judgment, for stay, permission to file annexures, for intervention, for direction, for impleadment, for modification of court's order, clarification/direction, permission to file additional documents)

WITH

W.P.(C) No. 640/2016 (X)

(With appln(s) for clarification/direction and for permission to file application for direction)

W.P.(C) No. 613/2016 (X)

T.C.(C) No. 31/2016 (XVI -A)

T.C.(Crl.) No. 1/2016 (XVI -A)

T.C.(Crl.) No. 2/2016 (XVI -A)

T.C.(Crl.) No. 3/2016 (XVI -A)

T.C.(C) No. 30/2016 (XVI -A)

W.P.(C) No. 500/2015 (X)

(With IA 1/2015)

C.A. No. 13319/2015 (XVII)

(With appln(s) for exemption from filing c/c of the impugned judgment, for ex-parte stay and for permission to file annexures)

C.A. No. 13394/2015 (XVII)

(With appln(s) for permission to file annexures, for intervention, stay, impleadment and direction)

C.A. No. 13410/2015 (XVII)

(With appln(s) for exemption from filing c/c of the impugned judgment and for ex-parte stay)

T.C.(C) No. 134/2015 (XVI -A)

Signature Not Verified

Digital Signature  
Date: 2017.11.15  
10:58:18  
Ramesh

: 15-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For parties

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Mr. R. S. Suri, Sr. Adv.  
Ms. Pallavi Tayal Chadda, Adv.  
Mr. Varun Khanna, Adv.  
Mr. L.S. Hasan, Adv.  
Mr. Avinash Kumar, Adv.

Mr. Ashutosh Dubey, Adv.  
Mr. Abhishek Chauhan, Adv.  
Mr. Arun Nagar, Adv.  
Mr. Satish Vig, AOR

Mr. Rajesh P., AOR

Mr. C. P. Chandrasekharan, Adv.  
Mr. Somiran Sharma, AOR

Mr. E. C. Agrawala, AOR

Mr. Arvind P. Datar, Sr. Adv.  
Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Mr. Anuj Sarma, Adv.  
Ms. Niharika, Adv.  
Ms. Kanika Kalaiyarasan, Adv.  
M/S. K J John And Co, AOR

Mr. Sudarshan Singh Rawat, AOR

Mr. Prakash Kumar Singh, AOR

Ms. Anuradha Mutatkar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. P. S. Patwalia, Sr. Adv.  
Mr. Amit Kumar, AOR  
Mr. Avijit M. Tripathi, Adv.  
Mr. D. K. Singhal, Adv.  
Ms. Amritakameshwar Srivastava, Adv.

Mr. Maninder Singh, ASG.  
Mr. R. Balasubramaniam, Adv.  
Ms. Ranjana Narayan, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Ms. Prerna Kumari, Adv.  
Mr. Prabhas Bajaj, Adv.  
Mr. Akshay Anritanshu, Adv.  
Ms. Aarti Sharma, Adv.  
Mrs. Anil Katiyar, AOR

Mr. Vinod Sharma, AOR

Mr. Suren Uppal, Adv.  
Mr. Aviral Kashyap, AOR  
Mr. Amit Kumar Singh, Adv.

Mr. Sumit Bansal, Adv.  
Mr. Gagan Gupta, AOR  
Ms. Richa Oberoi, Adv.

Mr. Hetu Arora Sethi, AOR

Ms. Shalu Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Dr. Adish C. Aggarwala, Adv.  
Mr. Amish Aggarwala, Adv.  
Mr. Abhinav Singh, Adv.  
Mr. Sharad Goyal, Adv.  
Mr. Aditya Singh, AOR

Mr. Shantanu Kumar, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

Bj Law Offices, AOR

Mr. T. Sudhakar, Adv.  
Mr. Prashant Bhushan, AOR

Mr. Anjani Kumar Mishra, AOR  
Ms. Hardeep Kaur, Adv.

Mr. Vikramjit Banerjee, Sr. Adv.  
Mr. P. S. Sudheer, AOR  
Mr. Rishi Maheshwari, Adv.  
Mr. Bharat Sood, Adv.  
Ms. Shruti Jose, Adv.  
Ms. Subhoshree Sil, Adv.  
Mr. Avinash Das, Adv.  
Mr. Ayush Anand, Adv.

Mr. Kailash Vasdev, Sr. Adv.  
Mr. Hrishikesh Baruah, AOR  
Mr. Siddhant Kaushik, Adv.  
Ms. Radhika Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Since a committee headed by Shri R.S. Virk, District Judge (Retd.) has been constituted, in the first instance, all the grievances of these applicants shall be heard by the said committee and take a view on all these matters. Let all these applicants put up their cases before the Committee.

Mr. Pratap Venugopal, learned counsel, informs that the appointment of Shri R.S. Virk, District Judge (Retd.) shall be notified to all the applicants. It is also informed that a suitable accommodation is being arranged in Delhi at a convenient place in order to enable these applicants to appear before him. It is further stated that the Committee would be in a position to start functioning within one month from today.

We impress upon Mr. Virk to take up all these matters on an urgent basis and submit his report within a period of four months. However, interim report shall be submitted within two months.

I.A. No. 22042/2017

This application is filed by one Mr. Balkaran Singh Bhullar wherein he has stated that he may be permitted to act in aid of the agreement dated 19.02.2015 and discharge his part of the terms and conditions of the said contract. In essence, the applicant had offered to assist the committee. However, we are informed by Mr. Venugopal, learned counsel, that the applicant has since expired in October, 2017, and, therefore, this application has become infructuous. Thus, the application stands disposed of as having become infructuous.

I.A. No. 36786/2017 and I.A. No. 36792/2017

Some applications are filed by certain applicants wherein it is, *inter alia*, prayed that PACL be not auctioned during the pendency of the *lis*. Mr. Venugopal makes a statement at the Bar that at present, there is no auction of the properties where objections have been received. This submission, according to us, takes care of the aforesaid prayer made by the applicants and the interlocutory applications are disposed of.

I.A. No. 36785/2017, I.A. No. 118905/2017, I.A. No. 36788/2017, I.A. No. 79970/2017, I.A. No. 117053/2017, I.A. No. 118905/2017

The applications for impleadment/intervention are allowed.

I.A. No. 64555/2017 in I.A. No. 20/2016

Issue notice to Greater Mohali Area Development Authority and Punjab Urban Development Authority, returnable in three weeks.

I.A. No. 75361/2017

Mr. Aggrawal, learned counsel appearing for the PACL, seeks two weeks' time to seek instructions as to whether the premises which are let out by the applicant to PACL are required by the PACL and whether it is possible to vacate and give back the possession thereof to the applicant.

The application stands adjourned for two weeks.

I.A. No. 117057/2017

As prayed for, reply be filed within two weeks.

I.A. No. 118909/2017 and I.A. No. 35762/2017

Mr. Venugopal, learned counsel, submits that pursuant

to orders dated 04.08.2017, the Committee is setting up the mechanism for consideration of all proposals and it would be notified in December, 2017. It is further submitted that all these proposals shall be considered according to the said mechanism. In view thereof, no further orders are required to be passed in these applications which are disposed of.

I.A. No. 107462 and I.A. No. 102672

Issue notice.

Mr. Venugopal accepts notice and says that he will file the reply within two weeks.

List the applications after three weeks.

List these matters on 07.12.2017 before an appropriate Bench.

(NIDHI AHUJA)  
COURT MASTER

(SNEH LATA SHARMA)  
COURT MASTER



For parties

Mr. R. S. Suri, Sr. Adv.  
Ms. Pallavi Tayal Chadda, Adv.  
Mr. Varun Khanna, Adv.  
Mr. L.S. Hasan, Adv.  
Mr. Avinash Kumar, Adv.

Mr. Ashutosh Dubey, Adv.  
Mr. Abhishek Chauhan, Adv.  
Mr. Arun Nagar, Adv.  
Mr. Satish Vig, AOR

Mr. Rajesh P., AOR

Mr. C. P. Chandrasekharan, Adv.  
Mr. Somiran Sharma, AOR

Mr. E. C. Agrawala, AOR

Mr. Arvind P. Datar, Sr. Adv.  
Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Mr. Anuj Sarma, Adv.  
Ms. Niharika, Adv.  
Ms. Kanika Kalaiyarasan, Adv.  
M/S. K J John And Co, AOR

Mr. Sudarshan Singh Rawat, AOR

Mr. Prakash Kumar Singh, AOR

Ms. Anuradha Mutatkar, AOR

Ms. Kamakshi S. Mehlwal, AOR

Mr. P. S. Patwalia, Sr. Adv.  
Mr. Amit Kumar, AOR  
Mr. Avijit M. Tripathi, Adv.  
Mr. D. K. Singhal, Adv.  
Ms. Anritakameshwar Srivastava, Adv.

Mr. Maninder Singh, ASG.  
Mr. R. Balasubramaniam, Adv.  
Ms. Ranjana Narayan, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Ms. Prerna Kumari, Adv.  
Mr. Prabhas Bajaj, Adv.  
Mr. Akshay Amritanshu, Adv.  
Ms. Aarti Sharma, Adv.  
Mrs. Anil Katiyar, AOR

Mr. Vinod Sharma, AOR

Mr. Suren Uppal, Adv.

Mr. Aviral Kashyap, AOR

Mr. Amit Kumar Singh, Adv.

Mr. Sumit Bansal, Adv.

Mr. Gagan Gupta, AOR

Ms. Richa Oberoi, Adv.

Mr. Hetu Arora Sethi, AOR

Ms. Shalu Sharma, AOR

Mr. Rameshwar Prasad Goyal, AOR

Dr. Adish C. Aggarwala, Adv.

Mr. Amish Aggarwala, Adv.

Mr. Abhinav Singh, Adv.

Mr. Sharad Goyal, Adv.

Mr. Aditya Singh, AOR

Mr. Shantanu Kumar, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

Bj Law Offices, AOR

Mr. T. Sudhakar, Adv.

Mr. Prashant Bhushan, AOR

Mr. Anjani Kumar Mishra, AOR

Ms. Hardeep Kaur, Adv.

Mr. Vikramjit Banerjee, Sr. Adv.

Mr. P. S. Sudheer, AOR

Mr. Rishi Maheshwari, Adv.

Mr. Bharat Sood, Adv.

Ms. Shruti Jose, Adv.

Ms. Subhoshree Sil, Adv.

Mr. Avinash Das, Adv.

Mr. Ayush Anand, Adv.

Mr. Kailash Vasdev, Sr. Adv.

Mr. Hrishikesh Baruah, AOR

Mr. Siddhant Kaushik, Adv.

Ms. Radhika Gupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Since a committee headed by Shri R.S. Virk, District Judge (Retd.) has been constituted, in the first instance, all the grievances of these applicants shall be heard by the said committee and take a view on all these matters. Let all these applicants put up their cases before the Committee.

Mr. Pratap Venugopal, learned counsel, informs that the appointment of Shri R.S. Virk, District Judge (Retd.) shall be notified to all the applicants. It is also informed that a suitable accommodation is being arranged in Delhi at a convenient place in order to enable these applicants to appear before him. It is further stated that the Committee would be in a position to start functioning within one month from today.

We impress upon Mr. Virk to take up all these matters on an urgent basis and submit his report within a period of four months. However, interim report shall be submitted within two months.

I.A. No. 22042/2017

This application is filed by one Mr. Balkaran Singh Bhullar wherein he has stated that he may be permitted to act in aid of the agreement dated 19.02.2015 and discharge his part of the terms and conditions of the said contract. In essence, the applicant had offered to assist the committee. However, we are informed by Mr. Venugopal, learned counsel, that the applicant has since expired in October, 2017, and, therefore, this application has become infructuous. Thus, the application stands disposed of as having become infructuous.

I.A. No. 36786/2017 and I.A. No. 36792/2017

Some applications are filed by certain applicants wherein it is, *inter alia*, prayed that PACL be not auctioned during the pendency of the *lis*. Mr. Venugopal makes a statement at the Bar that at present, there is no auction of the properties where objections have been received. This submission, according to us, takes care of the aforesaid prayer made by the applicants and the interlocutory applications are disposed of.

I.A. No. 36785/2017, I.A. No. 118905/2017, I.A. No. 36788/2017, I.A. No. 79970/2017, I.A. No. 117053/2017, I.A. No. 118905/2017

The applications for impleadment are allowed.

I.A. No. 64555/2017 in I.A. No. 20/2016

Issue notice to Greater Mohali Area Development Authority and Punjab Urban Development Authority, returnable in three weeks.

I.A. No. 75361/2017

Mr. Aggrawal, learned counsel appearing for the PACL, seeks two weeks' time to seek instructions as to whether the premises which are let out by the applicant to PACL are required by the PACL and whether it is possible to vacate and give back the possession thereof to the applicant.

The application stands adjourned for two weeks.

I.A. No. 117057/2017

As prayed for, reply be filed within two weeks.

I.A. No. 118909/2017 and I.A. No. 35762/2017

Mr. Venugopal, learned counsel, submits that pursuant to orders dated 04.08.2017, the Committee is setting up the

mechanism for consideration of all proposals and it would be notified in December, 2017. It is further submitted that all these proposals shall be considered according to the said mechanism. In view thereof, no further orders are required to be passed in these applications which are disposed of.

I.A. No. 107462 and I.A. No. 102672

Issue notice.

Mr. Venugopal accepts notice and says that he will file the reply within two weeks.

List the applications after three weeks.

List these matters on 07.12.2017 before an appropriate Bench.

(NIDHI AHUJA)  
COURT MASTER

(SNEH LATA SHARMA)  
COURT MASTER

Before Shri R.S. Virk, District Judge (RETD.)  
appointed to hear objections/representations in the matter of PACL Ltd.  
as so referred to in the order dated 15/11/2017, of the Hon'ble Supreme Court  
passed in civil appeal no. 13301/2015 titled Subrata Bhattacharya vs SEBI and  
duly notified in SEBI Press release no. 66 dated 08/12/2017.

File No. 69

**Applicant:** Mohali Plot Owners Association (The Pinnacle Self Supporting Cooperative Welfare Housebuilding Society Ltd.)

**Present :** Sh. D. K. Singal, President for the applicant

**Order**

1. The directors herein are members of "Pinnacle Self Supporting Cooperative Welfare Housebuilding Society Ltd." which was earlier got registered in the name of "Pinnacle Cooperative Welfare Housebuilding Society Ltd. Mohali", with the registrar of cooperative societies as per the provisions of the Cooperative Society Act, 2000 and had entered into a memorandum of understanding (MOU) dated 13/08/2011 with PACL Ltd which had agreed to sell an area measuring 5 Acres comprised in group housing site no. 3, sec. 104, developed by it as Pearl's City Mohali, Punjab @Rs7.5 crore per Acre out of which Rs. 3.75 crore was paid at the time of execution of the said MOU whereas the balance was to be paid later on and up to the period ending by 22/08/2014, and amount of Rs. 15 crores, in addition to yet another amount of Rs. 10 lakhs stands paid by it against receipt. It is claimed that the MOU clearly stated that the scheduled plot had been earmarked for development of group housing residential complex as per the lay out plan approved by GMADA for township and the society the vendee therein would develop only a group housing residential complex thereon after obtaining requisite approvals and permissions form the competent authorities. It is claimed that after engaging its architect it had got prepared the building plans which were submitted to GMADA for approval / sanction and in the mean while they had commenced construction of a boundary wall which was however objected to by the owner of the land abutting the allotted site. It is also contended that applicant society had incurred an amount of Rs. 1.20 crores obtaining building approvals from GMADA, NOC dated 06/09/2013 from Airport authority of India, environmental clearance certificate dated 26/08/2014 and 20/04/2015, permission dated 14/03/2014 from Punjab pollution board and municipal corporation dated 26/03/2014, besides payment of consultancy / statutory fees but yet it has not

been able to commence construction in view of the set back area being inadequate and the demarcation of land is not as per layout plan of the allotted site as approved by GADDA. It may be added here that as copy of the letter dated 18/12/2015 (referred at page 218 of the petition in hand issued by PACL Ltd to the applicant herein, wherein MOU dated 13/08/2011 was extended). The existence of a dispute regarding construction of boundary wall was acknowledged therein and PACL had assured to resolve the same with the help of revenue authorities. Even the remaining developments works have not statedly been carried out by PACL Ltd. It is argued inter alia that in view of non development of the site for the last several years, the same is merely useable as agriculture of land at the moment for which only collector rate of agricultural land should be charged.

2. It is averred in para 21 of the application dated 14/05/2018 that the society had recently learnt that the reins of the company had been taken over and are being supervised by a committee constituted by Hon'ble Supreme Court of India. Thus, it has now been realized that since the company has not been functioning and lost its existence, the same is not in a position to resolve the above said issues and there is no likelihood of the same being taken care of even in future also. Therefore, the necessity has arisen to file the present representation seeking the under mentioned reliefs:

i. Refund an amount of Rs. 16,07,49,472/- crore (Rs. 15.10 crore towards the part of sale consideration of the allotted site and an amount of Rs. 97,49,472/- spent by the society of taking approvals and incurred on various incidental and society expenses as detailed herein before) alongwith interest @18% p.a. from the date of its deposit with the company and concerned authorities to the date of the actual payment of the said amount of interest accruing may be adjusted in the balance sale consideration payable.

OR IN ALTERNATIVE

ii. Reduce the cost of allotted land to Rs. 2,07,98,000/- (two crores seven lakhs and ninety eight thousand out of which Rs. 90,00,000/- is the collector rate of the land and Rs. 1,17,98,000/- is the conversion charges per acre) on as is where is basis and incidental steps may be taken care of accordingly as detailed in para no. 42 & 43 of the petition read with the subsequent representation dated 22/01/2018.

AA/AA  
14/3/18

Complete and clear physical possession of the allotted site be provided to the society and registration of sale deed for part of the allotted land to be got done.

Thereafter, clear time frame of four years be given to the society for completion of construction of the residential flats without charging any interest etc. throughout.

3. I heard the president of the society appearing in person today and have gone through the file. None of the prayers contained above can be granted by the committee keeping in view the fact that vide order dated 02/02/2016 passed in civil appeal no. 13301/2015 bearing the title Subarata Bhattacharyya Versus Securities & Exchange Board Of India, the Hon'ble supreme court had directed constitution of a committee by SEBI to be headed by Hon'ble Mr. Justice R.M. Lodha, former Chief Justice of India as its Chairman for disposing of the land purchased by PACL so that the sale proceeds recovered there from can be paid to the investors who have invested their funds in the company for purchase of the land. The said mandate of the Hon'ble Supreme Court cannot be considered to extend to grant reliefs to the extent as prayed for and reproduced in para 2 above more so when it is borne in mind that as per SEBI press release no. 66/2017 dated 08/12/2012 issued in the light of order of Supreme Court dated 15/11/2017 in the above noted civil appeal no. 13301/2015, I have only been authorised to hear objections / representations in respect of the work being undertaken by the PACL committee which as mentioned above is specific to attachment and sale of properties of PACL for payment of sale proceeds thus derived to the investors who have invested their funds in the company for purchase of land.

The president above named has pleaded interalia that the applicant society consist of 141 members who are all distraught with the development arising out of nonfulfillment of its obligations by PACL but the said factor though unfortunate cannot change the outcome of the order in view of the circumstances detailed above.

Date : 14/03/2018

*R.S. Virk*  
R. S. Virk  
Distt. Judge (Retd.)

Note:

Two copies of this order are being signed simultaneously, one of which shall be retained on this file whereas the other one, also duly signed, shall be delivered to the objector as and when requested /applied for.

Date : 14/03/2018

*R.S. Virk*  
R. S. Virk  
Distt. Judge (Retd.)